

AUG 19 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EFRAN CASTANEDA APARICIO, a.k.a.
Efren Castaneda Aparicio Efrain Aparicio,

Defendant - Appellant.

No. 08-50051

D.C. No. CR-08-00031-R-1

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

August 11, 2008 **

Before: CANBY, LEAVY and KLEINFELD, Circuit Judges.

Appellant's unopposed motion for summary reversal and remand is granted.

See Fed. R. Crim. P. 11(c)(1)(C); (5). Defendant's sentence is vacated and this

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

matter is remanded to the district court for resentencing.

Appellant's request for reassignment is granted. Upon remand, this matter shall be reassigned to a different district judge.

REVERSED AND REMANDED.